

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

IN RE: SERZONE
PRODUCTS LIABILITY LITIGATION

MDL NO. 1477

THIS DOCUMENT RELATES TO "OPT-OUT" CLIENTS OF CAREY & DANIS, L.L.C.
AND THEIR AFFILIATED COUNSEL

SCHEDULING ORDER # 1

Pursuant to the Notice and Order to Show Cause entered November 15, 2002, this order will be published at the court's website, found at <http://www.wvsc.uscourts.gov/serzone/>.

On March 27, 2006, the undersigned met with John Carey, Joseph Danis, Tom Antoniou (for opt-out clients, hereinafter referred to as "claimants"), David Covey, Michael Healy, Mary Alice Barrett, and Michael Victorson (for Bristol-Myers Squibb Company, hereinafter referred to as "BMS"), and agreed upon the following preliminary schedule for resolution of these claims:

1. By close of business **Wednesday, March 29, 2006**, counsel for claimants will designate to counsel for BMS, up to fifteen claimants whose cases should move forward with discovery. Counsel for BMS will consider that designation and propose substitutions in conference with counsel for claimants. By **3:00 pm, Eastern Time, Friday, March 31, 2006**, the parties will notify the undersigned of

their agreement on the fifteen designated claimants, or will place a telephone conference call to the undersigned for resolution of any disputes on the matter. In the event that counsel for claimants are or become aware of any claimants whose testimony should be preserved promptly, counsel for claimants shall notify counsel for BMS and the undersigned.

2. By close of business **Friday, April 7, 2006**, counsel for claimants will produce to counsel for BMS, a verified fact sheet and copies of all medical records for the fifteen designated claimants.

3. Counsel for claimants and counsel for BMS will work cooperatively to establish ground rules for scheduling depositions of the fifteen designated claimants, treating physicians, BMS personnel, and other witnesses.

4. The parties may engage in discovery, including serving interrogatories and requests for production of documents. However, in the event of a discovery dispute which the parties are unable to resolve, the parties are directed *not* to file motions to compel or for a protective order. The court will conduct telephone conference calls to resolve pending discovery disputes and to monitor progress in discovery. The telephone conference calls will take place on **Monday, April 24, 2006 at 11:00 a.m.**, and on **Monday May 22, 2006 at 11:00 a.m.**

5. **Monday, May 8, 2006** is the last day on which the Carey &

Danis claimants as a group may opt-in to the class action settlement without opposition from BMS. The time period for individual opt-ins has expired.

6. On **Thursday, June 22, 2006 at 9:30 a.m.**, the parties will appear in person for a status conference and resumption of mediation.

The court directs the Clerk to send a copy of this order to John J. Carey, Joseph P. Danis, and Thomas Antoniou, all of whom are located at 8235 Forsyth Blvd., Suite 1100, St. Louis, MO 63105, to Plaintiffs' Liaison Counsel (Messrs. Masters and Frankovich), Defendant's Liaison Counsel (Messrs. Covey, Healy, and Victorson), and Judge Goodwin.

ENTER: March 28, 2006



Mary E. Stanley
United States Magistrate Judge